

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY TANNER,

Plaintiff,

v.

CRAIG McINTYRE,

Defendant.

CASE NO. C07-872-RSL-JPD

ORDER RE: PENDING MOTIONS
FOR EXTENSION OF TIME

The Court, having reviewed plaintiff's motion to extend all proceedings, the parties' stipulation to extend the dispositive motion filing deadline, and the balance of the record, does hereby ORDER:

(1) Plaintiff's motion to extend all proceedings (Dkt. No. 14) is DENIED. Plaintiff asserts in his motion that defendants seized his legal work product on October 3, 2007, in retaliation for plaintiff's good faith participation in the offender complaint process, and that he has been unable to amend his complaint as a result. Plaintiff seeks a 60 day extension of all proceedings.

Defendants, in their response to plaintiff's motion, advise that plaintiff's legal materials were not confiscated by staff but were, instead, found by staff in the cell of another offender. (*See* Dkt. No. 15 at 2 and Ex. 1.) The documents found in the other offender's cell were returned to plaintiff by staff on October 3, 2007. (Dkt. No. 15, Ex. 1 at 2.) Some additional documents belonging to plaintiff

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1 were found in the other offender's property at a later time and those documents were returned to
2 plaintiff by approximately October 6, 2007. (*Id.*) Plaintiff subsequently admitted that he had given his
3 documents to the other inmate. (*Id.* at 3.) As plaintiff wholly misrepresented the basis of his request
4 for additional time to the Court, the request is summarily denied. Plaintiff is cautioned that future
5 misrepresentations will not be tolerated and may result in the imposition of sanctions, including
6 dismissal of this action.

7 (2) The parties' stipulation to extend the dispositive motion filing deadline (Dkt. No. 17) is
8 GRANTED. Any dispositive motions shall be filed and served not later than **February 7, 2008**. The
9 joint pretrial statement filing deadline is STRICKEN and will be re-set, if necessary, at a later date.

10 (3) The Clerk shall direct copies of this Order to plaintiff, to counsel for defendant, and to
11 the Honorable Robert S. Lasnik.

12 DATED this 30th day of January, 2008.

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15 JAMES P. DONOHUE
16 United States Magistrate Judge
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